

February 13th, 2015

The Honorable Nikki R. Haley
Office of the Governor
1205 Pendleton Street
Columbia, SC 29201

Dear Governor Haley,

Thank you for taking the time to read my letter. I'm writing as a father, tax payer and supporter. My son, Tyler Fortier, was a trooper with the South Carolina Highway Patrol. Ever since I can remember, he has wanted to be in law enforcement and set his sights on becoming a trooper. He began his journey in the Army, signing up to be a military policeman. As luck would have it, the Army changed his plans and sent him away for other training. Upon returning from his duty, he steadfastly stayed on his goal of becoming a trooper and was accepted into the next class that year. He graduated from the Highway Patrol school in June of 2013.

My son was assigned in Aiken as a member of Troop 7. The day he graduated from HP Basic was a proud day for his entire family. We've been huge supporters of the Highway Patrol since our son entered service. I remember vividly how you welcomed all of us into the family of law enforcement during the commencement speech.

I'm writing because I'm frustrated and upset. My son has been on unpaid suspension from the patrol since October 22nd, 2014. Now, to be absolutely clear, it is the result of some bad personal decisions on his part. As most young people do in today's culture, he worked his way into financial difficulty. In his pride, instead of asking for help, he tried to work his way out and it seemingly got worse. He traded in a new Jeep he purchased in June 2014 for a less expensive car in order to get back on track. He also transferred from Barnwell to Aiken in that same month. He got confused on how car tags are transferred from one vehicle to another and let the tags lapse. There's no excuse here, he should have known better and he was in the process of figuring it out. During the time that his tags lapsed, he let his now ex-girlfriend borrow the car. She did not tell him at that time that she would be picking up an individual who had a warrant outstanding. She was pulled over by the Aiken City police and ticketed. The individual in the car who had the warrant (for littering) was arrested. Unfortunately, he had an open container and half of a marijuana joint in his possession as well. Tyler was not a passenger in the vehicle and did not know his ex-girlfriend was going to pick up anyone else.

Tyler was suspended without pay pending an investigation. I began to help him find information on how and if he could save his career. In the course of research, I found other troopers who had been through unpaid suspensions for a variety of personal or minor HR infractions and what they told me about their experiences has become true for Tyler. In each case I was told to get an attorney immediately. The troopers shared with me that their unpaid suspensions lasted 68 days and 72 days. One of them has a family with four children, so this was an immense hardship. They also told me that investigators from the Office of Professional Responsibility would delay the paperwork for weeks and that it could be months before he got back on the job. Tyler asked me not to hire an attorney early in the process. The main reason is that he wanted to "honor the chain of command". He felt strongly that we should let it play out and he would be back to work soon.

Well, that was not the case. The investigator, a Mr. Bowers, contacted Tyler to meet him at the Aiken Troop office on November 18th, nearly a month after the suspension began. He was told at that time

that the paperwork shouldn't take long and that it should be resolved soon. We felt like it was coming to an end. The other troopers asked me to keep them updated. When I told them that the investigator had talked with Tyler, they told me "get an attorney, it's not going to end yet". Each of them shared with me stories of repeated calls to their investigator where they were told "paperwork is still on my desk, will be done any day now", but that it will just keep dragging out and you won't hear anything from OPR. That is exactly what happened with Mr. Bowers. He eventually quit returning calls when Tyler would reach out to find out the status of his investigation.

On January 13th, I hired an attorney to represent my son. I brought the case and paperwork to several attorneys who all told me that the way he was being treated wasn't right. Through their expertise, it was recommended that I retain Bryn Sarvis, an attorney specializing in employment issues in Columbia. Ms. Sarvis sent a letter (included) to Leroy Smith, Director of the South Carolina Department of Public Safety on January 16th requesting a resolution and a return to work for my son. To this day, we have yet to receive an answer. In addition, repeated calls to HR from my son for pay information, insurance information, and now W-2 information have been unreturned.

Today, my son was informed that he has been terminated from the Highway Patrol. As of the date of this letter, my son was suspended without pay for a total of **113** days. As I mentioned previously, he made a serious mistake. He's paid for that mistake in the following ways:

- Loss of nearly 4 months pay
- His medical insurance is cancelled
- He will not receive the promotion he was due in November 2014
- He was not allowed to attend the Troop Christmas party
- At the minimum, he expects to receive a Level 1 disciplinary letter in his personnel file

I'm writing first, to ask to seriously take a look at how the Office of Professional Responsibility conducts their investigations and treats the officers protecting this state. If termination was going to be the end result, why did it take 113 days, costing my son and our family thousands of dollars in order to keep him financially afloat? Why was he terminated for an offense that pales in comparison to what other Highway Patrol personnel have done? In my research of the OPR office, I found several stories of patrolmen who had multiple domestic violence offenses prior to dismissal. I'm writing to you also, as a concerned citizen who supports the Highway Patrol troopers on how they are treated by OPR for mistakes that they make personally or professionally where the punishment is not corrective, but punitive in nature. I found it heartbreaking to hear from one patrolman that he had to find ways to feed his kids while OPR lagged out an investigation for 68 days. As a businessman and taxpayer, I find it hard to believe that the state of South Carolina would invest thousands of dollars in training for the men and women of the Highway Patrol and then keep them off the job for months, for what appears to be minor infractions. And in this case, the state spent thousands of dollars training my son only to end his employment after one mistake. I understand in cases of officer involved shooting or auto accidents with injuries that the need for lengthy investigations exist, but not for HR related infractions. I found that many on patrol fear "the letter" from OPR, where they are accused of something and not given due process to explain themselves or a timely resolution. This is the nightmare we have lived through, and now it has come to an end today.

My son continued to reside in Aiken for the four months of the investigation, hoping to return to work with Troop 7. He worked at Starbucks, but it's wasn't enough to make ends meet. He is in financial coaching to resolve the issues that got him in trouble in the first place. He no longer associates with his

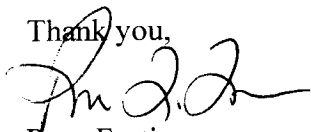
ex-girlfriend as he told her he could not be associated with someone who was in contact with people who broke the law. He has paid his car taxes and registration. Believe me, he wouldn't have let that happen again because the punishment he received has been more than enough to bare. In addition, because HP rules state that you must live within 30 minutes of your Troop office, he kept his apartment, anticipating return to work. The pay at Starbucks doesn't pay the rent, cell phone, car insurance and electric (this is all the bills he has now). My wife and I had to financially support him because the four months he has been suspended without pay has drained all of his accounts. In addition, I am having to pay the attorney fees, which should not have been necessary if the investigation was completed in a reasonable and timely fashion.

I hesitated writing to you. Actually, my parents, convinced me to do so. They met you on the campaign trail last year in the Charleston area. You probably won't remember, but they spoke to you and shared that their grandson was in the Highway Patrol. They distinctly remember you telling them how much respect you have for our state troopers. They were convinced you could help. This suspension has created an enormous hardship on Tyler and our family. He wanted to return to work and I believe would have been exemplary member of the Highway Patrol if allowed to do so.

It is our understanding he would have a chance to resign and keep his law enforcement credentials, but only upon completion of the OPR investigation. That was also not the case in his termination meeting today. He was told to sign a paper and shown the door. Now, we don't know the standing of his law enforcement credentials and whether he can start over with a local law enforcement agency. This entire process has been handled in the most inefficient and unprofessional manner. In business, no individual would have been treated this way for making a mistake. We would have taken corrective action, placed a disciplinary letter in the file and valued the employee enough to give them the opportunity to show their true potential.

Now, we will head toward the grievance process and investigate with our attorney to see if litigation is warranted. All of this should have been avoided with a reasonable process from OPR. The reputation of this office from the troopers on the field should also be a concern. In speaking with dozens of current troopers, it is apparent that they fear any type of interaction from the office. It saddens my heart to think that the men and women who put themselves in harm's way for the safety of our state are treated in this way by bureaucrats that continue to receive their pay while punitively punishing those who make a mistake.

Thank you,



Russ Fortier

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January 16, 2015

VIA FIRST-CLASS MAIL

Mr. Leroy Smith, Director
South Carolina Department of Public Safety
P.O. Box 1993
Blythewood, SC 29016

RE: Trooper Tyler Fortier

Dear Mr. Smith:

I represent Tyler Fortier, a South Carolina Department of Public Safety employee who has been suspended without pay since October 22, 2014. As you know, as set forth in your letter of the same date, Mr. Fortier has been suspended pending an investigation "into allegations of multiple instances of insubordination and violations of rules, regulations, policies and procedures."

Pursuant to Regulation 19-717.01, Mr. Fortier is entitled to "timely and equitable treatment of behavioral deficiencies and breaches of conduct." The investigation and suspension here can hardly be viewed as timely, as Mr. Fortier is approaching three months of suspension pending investigation, with no end in sight. Since the meeting with the investigator in November, almost a month after the suspension commenced, Mr. Fortier has been left in the dark as to the status of the investigation and his likely date of return to work. Though the investigator is returning no calls at this point, on December 10, 2014, he told Mr. Fortier that the report was not quite finished but that "it should not be too much longer." This, of course, has not been the case.

Additionally, the treatment of Mr. Fortier can hardly be viewed as equitable. Neither the alleged insubordination nor alleged violations have been identified in a manner that would enable Mr. Fortier to respond to the allegations. During their meeting, the investigator mentioned no alleged act of insubordination, much less "multiple instances of insubordination," though these are allegedly the bases upon which Mr. Fortier has been suspended without pay. Further, it is hard to fathom that a three-month suspension would be warranted for any of the issues that were discussed with Mr. Fortier, particularly since some of the matters discussed involved misconduct of third parties unknown to Mr. Fortier and whose conduct cannot be imputed to him.

Additionally, while Mr. Fortier's suspension has been unpaid, he reported to his supervisor that he received a paycheck in December. His supervisor told him that he should not touch the money, with which Mr. Fortier has complied, but no one has given him further direction or indicated why these funds were received, despite Mr. Fortier's unreturned calls to Human Resources. If Mr. Fortier was not supposed to receive the funds, a correction needs to be made in his payroll records so there are no tax implications for Mr. Fortier.

As set forth in Regulation 19-717.01, "coaching and counseling should precede disciplinary action." Mr. Fortier is eager to return to work and welcomes any coaching or counseling desired by the Department that will enable him to do so. We look forward to hearing from you regarding the status of this matter, which is causing a substantial hardship upon Mr. Fortier. If you have questions, please do not hesitate to contact me.

Sincerely yours,

Bryn C. Sarvis

cc: Tyler Fortier (via email)